

## **REMARKS**

After present amendment is entered, claims 1 through 16 will be pending in this application. Claims 5, 6, and 12 through 16 have been amended herewith without introduction of a new matter.

### ***Double Patenting Rejection***

Claims 1 through 16 are provisionally rejected on the grounds of non-statutory obviousness-type double patenting rejection as being unpatentable over claims 1-16 of co-pending application No. 10/569,657. The Applicant through its attorney of record filed a terminal disclaimer to obviate this non-statutory obviousness-type double patenting rejection.

### ***Claim Rejections – 35 USC 101***

Claims 5, 6, and 12 through 16 stand rejected under 35 USC 101 because the claimed invention is directed to “A program”, which is considerable non-statutory subject matter. The Applicant has amended claims 5, 6, and 12 through 16 to render this rejection moot. In particular, as currently amended, claims 5, 6, and 12 through 16 are directed now to “An apparatus having a program”.

**Respectfully submitted,**

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